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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,629	01/23/2006	Fred Runge	20811/0204480-US0	2308
7278	7590	01/07/2009		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER HUYNH, NAM TRUNG	
			ART UNIT 2617	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,629	<b>Applicant(s)</b> RUNGE ET AL.	
	<b>Examiner</b> NAM HUYNH	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 50-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/23/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to preliminary amendment filed on 1/23/06. Of the previously presented claims 1-49; claims 1-49 have been cancelled and claims 50-88 have been added.

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 1/23/06 has been considered by the examiner.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 50-75, 77-79, and 82-87 are rejected under 35 U.S.C. 102(a) as being anticipated by Kato (US 6,522,725).

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Regarding claims 50 and 72, Kato teaches a method for carrying out a hands-free communication using a telecommunication terminal, the method comprising:

loading, at least temporarily, at least one program (speech recognition program) from a service server (switching center/host system) into the telecommunication terminal, the at least one program being configured to implement a speech processing algorithm (column 3, lines 33-57; speech recognition program is downloaded to the telephone terminal); and

implementing the at least one program for use at least for a duration of a communication connection (column 4, lines 1-15; the speech recognition program is used while the user is connected to the telephone network).

Regarding claims 51 and 73, Kato teaches the telecommunication terminal is a mobile telecommunication terminal (column 2, lines 21-23, 33-37).

Regarding claims 52, 74, and 83, Kato teaches the speech processing algorithm includes at least one of a hands-free, an echo cancellation, a speaker verification, a speaker recognition, a speaker classification, a voice verification, a voice recognition, a text-to-speech and a noise reduction algorithm (column 3, lines 40-41).

Regarding claims 53 and 75, Kato teaches establishing, over at least one communication network, a connection between the telecommunication terminal and a server-based speech recognition system (column 3, lines 33-57).

Regarding claim 54, Kato teaches establishing a connection to the service server over at least one communication network so as to facilitate the loading (column 3, lines 33-57).

Regarding claim 55, Kato teaches the connection is established via an interposed server-based speech recognition system (column 3, lines 33-37).

Regarding claim 56, Kato teaches the connection is established between the service server and the telecommunication terminal in response to an automatic or user-defined request (user call) signal by the telecommunication terminal (column 3, lines 33-57).

Regarding claim 57, Kato teaches the connection is established between the service server and the telecommunication terminal in response to a request signal of a server-based speech recognition system (column 3, lines 33-37).

Regarding claims 58 and 77, Kato teaches the establishing the connection is performed using respectively assigned identifiers (column 3, lines 58-65; kind of telephone terminal).

Regarding claim 59, Kato teaches the respectively assigned identifiers include at least one of a CLI, an ANI and an HLR (column 3, lines 58-65).

Regarding claim 60, Kato teaches transmitting speech signals and further signals during the communication connection (column 4, lines 1-8).

Regarding claims 61 and 85, Kato teaches the further signals include at least one of test signals, compensation signals, charging signals, identification parameters, and vector signals (column 4, lines 23-36).

Regarding claim 62, Kato teaches selecting the speech processing algorithm using at least one of the telecommunication terminal, a speech recognition system, and the service server (column 3, lines 58-65).

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Regarding claim 63, Kato teaches loading the at least one program again during the communication connection (column 4, lines 11-15).

Regarding claim 64, Kato teaches the loading again is performed in an updating manner (column 4, lines 15-22).

Regarding claim 65, Kato teaches transmitting, by the telecommunication terminal, at least one of a specific identification parameter and a charging parameter for further processing by a device associated with at least one of a speech recognition system and the service server (column 3, lines 58-65).

Regarding claims 66 and 84, Kato teaches calibrating, by the telecommunication terminal, at least one of an A/D conversion and a D/A conversion (column 2, lines 32-37).

Regarding claim 67, Kato teaches the calibrating is performed at least one of once during the communication connection, continuously, and digitally (column 4, lines 15-22).

Regarding claim 68, Kato teaches the calibrating is performed using a compensation signal, the compensation signal being at least one of a speech signal and a test signal (column 4, lines 23-36).

Regarding claim 69, Kato teaches performing a procedure for locating a speech source (column 4, lines 23-36).

Regarding claim 70, Kato teaches performing the procedure for locating the speech source is performed for a multi-channel processing of at least two microphone

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signals (column 3, lines 58-65; column 4, lines 23-36; speech signal can be evaluated based on many characteristics).

Regarding claim 71, Kato teaches the performing the procedure for locating the speech source is performed so as to achieve a noise reduction (column 4, lines 23-36).

Regarding claim 78, Kato teaches a server-based speech recognition system configured to enable the at least one program to be selected and at least temporarily loaded and implemented on the at least one telecommunication terminal in response to identification parameters associated with the at least one telecommunication terminal (column 3, lines 58-65).

Regarding claim 79, Kato teaches the service server is configured to enable the at least one program to be selected and at least temporarily loaded and implemented on the at least one telecommunication terminal in response to identification parameters associated with the at least one telecommunication terminal (column 3, lines 58-65).

Regarding claim 82, Kato teaches a telecommunication terminal comprising a receiver configured to receive at least one program for implementing a speech processing algorithm transmitted, in response to a defined request signal, from a service server for at least temporary implementation of the at least one program (column 3, lines 58-65).

Regarding claim 86, Kato teaches the telecommunication terminal as recited in comprises an encoder unit (figure 4, items 305, 301).

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Regarding claim 87, Kato teaches the telecommunication terminal comprises a conversion device configured to convert a speech signal between different frequency bands (figure 4, items 301, 302).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 76, 80, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US 6,522,725) in view of Anastasakos et al. (US 2004/0192384) (hereinafter Anastasakos).

Regarding claim 76, Kato teaches the limitations set forth in claim 72, but does not explicitly teach that the service server is provided by a WEB server, and further comprising at least one of a server-based speech recognition system, a charging and a billing system provided by the WEB server. Anastasakos discloses a method and



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apparatus for selective distributed speech recognition. Anastasakos teaches a WEB server, and further comprising at least one of a server-based speech recognition system, a charging and a billing system provided by the WEB server (figure 3, items 162, 108, 172, 110; paragraphs 21, 33, 35). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Kato to include web capability and billing, as taught by Anastasakos, in order to further enhance the communication capability of the server and allow the network to charge based on certain parameters or specific price preferences.

Regarding claims 80 and 81, Anastasakos teaches a server-based speech recognition system and at least one of a charging system and a billing system configured to charge, in response to at least one of an identification and a charging parameter associated with the at least one telecommunication terminal, for a service at least temporarily provided by a server-based speech recognition system to the at least one telecommunication terminal (figure 3, items 162, 108, 172, 110; paragraphs 21, 33, 35).

8. Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US 6,522,725) in view of Zhang et al. (US 2004/0058647) (hereinafter Zhang).

Kato teaches the limitations set forth in claim 82, but does not explicitly teach that the communication terminal further comprises an interface device configured for at least one of wired and wireless connection of at least one of an external microphone and a loudspeaker. Zhang discloses an apparatus and method for providing hands-free

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operation of a device. Zhang teaches an interface device configured for at least one of wired and wireless connection of at least one of an external microphone (headset microphone) and a loudspeaker (figures 2, 3, 5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the terminal of Kato to include integration of a headset so that a user would not have to hold the telephone while a conversation or submitting a voice command.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

NTH  
1/2/08